

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Randall Ehrlich

Docket No. C2020-1

CERTIFICATE REGARDING DISCOVERY

(Issued April 16, 2020)

Pursuant to 39 C.F.R. §§ 3001.12(a), 3001.26(a), and 3001.27(a), The Presiding Officer's First Set of Interrogatories to the Complainant and The Presiding Officer's First Set of Interrogatories to the United States are filed with the Commission as attachments and therefore served today upon:

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Courtesy copies are provided via e-mail to counsel for the parties today.

Lauren A. D'Agostino
Presiding Officer

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Randall Ehrlich

Docket No. C2020-1

THE PRESIDING OFFICER'S
FIRST SET OF INTERROGATORIES TO THE COMPLAINANT

(Issued April 16, 2020)

On March 17, 2020, the Commission appointed the undersigned as the Presiding Officer to conduct limited discovery for the purpose of determining disputed issues of fact identified by the Commission in this case.¹ Pursuant to Order No. 5455 and 39 C.F.R. § 3001.26, the Complainant shall serve his answers to the following interrogatories, in writing and under oath, by filing online using the Commission's website at <http://www.prc.gov>, no later than May 7, 2020. These interrogatories are issued by the Presiding Officer *sua sponte*, are not part of the parties' initial discovery requests, and do not count towards the quantitative limitation applicable to either party.

I. INSTRUCTIONS

1. In answering these interrogatories, furnish all information specified below, however obtained, including hearsay, that are in your possession, custody, or control, or otherwise available to you, including information appearing in your records. Each answer is to be given separately and independently, and unless specifically stated in the particular interrogatory, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

¹ Order Denying Postal Service Motion to Dismiss Complaint and Notice of Limited Formal Proceedings, March 17, 2020, at 3, 8 (Order No. 5455).

2. If you cannot answer any interrogatory in full after exercising due diligence to secure the information required to do so, please respond to the extent possible and indicate your inability to respond to the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. When an approximation or estimate is stated, designate the approximation or estimate as such and identify and describe each method by which, and each source of information upon which, the approximation or estimate was made.
3. Should you claim a privilege or have another objection with respect to any document, communication, or item about which information is sought, describe such document, communication, or item in detail sufficient to provide justification for the claim or other objection. Each claim of privilege must specify in detail all grounds upon which it rests. No part of an interrogatory shall be left unanswered simply because an objection is interposed to another part of the interrogatory.
4. The following interrogatories are continuing in nature so as to require you to file supplementary responses or amendments during the course of this case if you obtain further or different information prior to or during the hearing. Include in any supplemental answers the date upon which such further or different information came to your attention.
5. Except where an interrogatory states otherwise, each interrogatory is limited to the time period from July 1, 2015 to and including today.
6. Except where an interrogatory states otherwise, any reference to the singular shall be construed as including the plural, any reference to the plural shall be construed as including the singular, any reference to one gender shall be construed to include the other, any usage of the present tense includes the past tense, and any usage of the past tense includes the present tense.

II. DEFINITIONS

For the purposes of these interrogatories, including the instructions, the following definitions apply:

1. "All" shall be construed to include "any" and "any" shall be construed to include "all," as necessary to bring within the scope of each interrogatory all responses that might otherwise be construed to be outside their scope.
2. "And" as well as "or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of each interrogatory all responses that might otherwise be construed to be outside their scope.
3. "Bell Declaration" means the document titled as Exhibit A to the United States Postal Service Motion to Dismiss with Prejudice the Complaint of Randall Ehrlich, which was filed with the Commission on November 23, 2018 in Docket No. C2019-1 (available at <http://www.prc.gov/dockets/document/107197>), and containing the "Declaration of John R. Bell" dated November 21, 2018 and six attachments.
4. "Communication" means any transmittal of information, in written, oral, electronic, digital, or any other form.
5. "Control" with respect to a document is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34.
6. "Document" means any written, recorded, computer-stored, computer-generated, or graphic material however stored, produced or reproduced. The term is to be construed to the full extent of the definition in Federal Rule of Civil Procedure 34. Any document that is not exactly identical to another document for any reason, including but not limited to marginal notations or deletions, is a separate document.
7. "Each" shall be construed to include "every" and "every" shall be construed to include "each," as necessary to bring within the scope of each interrogatory all responses that might otherwise be construed to be outside their scope.
8. "Identify" or "identity" means:
 - a. With respect to a document: (i) the document's title, date, author(s), signer(s), sender(s), addressee(s), and recipient(s); (ii) the type of document

(e.g., letter, memorandum, agreement, invoice), its location, and custodian; and (iii) a detailed description of its contents or principal terms and provisions.

b. With respect to a communication: (i) the time, date and place of the communication; (ii) all maker(s) and recipient(s) of the communication; (iii) the mode of communication; (iv) the subject matter of the communication; and (v) any document generated in connection with the communication.

c. With respect to a person: (i) the person's full name; (ii) the person's employer, job title, and a brief description of the person's current duties and duties at the time relevant to the data request; and (iii) the person's business address.

9. "Including" shall be construed to mean including, but not limited to.

10. "Postal Service" means the United States Postal Service, including Headquarters and any subordinate department, division, or office, whether at the national, area, district, or local level. This definition includes the officers, directors, contractors, agents, and employees of the United States Postal Service.

11. "Related to" or "relating to" means being in any way relevant to, commenting on, consisting of, referring to, composing, comprising, discussing, evidencing, identifying, involving, reflecting, or underlying.

12. "You" or "your" means Complainant Randall Ehrlich.

13. "Your property" means 5833 7th Avenue, N.W., Seattle, Washington, 98107.

III. INTERROGATORIES

INTERROGATORY NO. 1:

Identify all persons answering or supplying information used in answering these interrogatories.

INTERROGATORY NO. 2:

If you contend that the Postal Service has made admissions of fact or statements of interest relating in any way to this action, describe the admissions in detail and identify the dates of the admissions, the persons to whom the admissions were made, and all documents pertaining to the admissions.

INTERROGATORY NO. 3:

Your answer to this interrogatory shall be limited to dogs that you currently: own, foster, shelter, board, or for which you otherwise provide care on your property (including on a volunteer, paid, temporary, or part-time basis). Identify all communications that you have made to the Postal Service that each dog is not aggressive or is completely controlled to ensure the safety of the letter carrier.

INTERROGATORY NO. 4:

Your answer to this interrogatory shall be limited to dogs that you currently: own, foster, shelter, board, or for which you otherwise provide care on your property (including on a volunteer, paid, temporary, or part-time basis). State if any dog has been the target or subject of any formal or informal complaint, citation, or charge related to noise, aggressive behavior, health, or safety. If so, provide the following information:

- a. the date, time, and location of the incident underlying each complaint, citation, or charge,
- b. the name of the dog involved,
- c. a detailed description of the incident,
- d. any applicable complaint, citation, or charge number, and
- e. the outcome (or, if pending, the status) of the complaint, citation, or charge.

INTERROGATORY NO. 5:

State if you contend that the placing of a locked mail box at the end of the fence facing the street as described in the Bell Declaration ¶¶ 13-15 & Att. 4 constitutes undue or unreasonable discrimination under 39 U.S.C. § 403(c) and, if so, state the basis for your contention.

INTERROGATORY NO. 6:

State if you contend that the placing of a locked mail box at the curb of your property as described in the Bell Declaration ¶ 15 constitutes undue or unreasonable discrimination under 39 U.S.C. § 403(c) and, if so, state the basis for your contention.

INTERROGATORY NO. 7:

State if any delivery provider other than the Postal Service (including Amazon, FedEx, food or grocery delivery services, or UPS) has refused to deliver an item on your property for any reason related to the actual or perceived presence of a dog, from July 1, 2015 to today (including instances where the provider initially communicated refusal but subsequently delivered the item). If so, identify all communications relating to and all persons that are known to you that have knowledge of any facts relating to each refusal.

INTERROGATORY NO. 8:

State if any provider other than the Postal Service (including Amazon, FedEx, food or grocery delivery services, or UPS) has diverted the delivery of an item from your porch, door, or driveway to a different location on your property or the sidewalk for any reason related to the actual or perceived presence of a dog, from July 1, 2015 to today. If so, identify all communications relating to and all persons that are known to you that have knowledge of any facts relating to each diversion.

INTERROGATORY NO. 9:

For each affirmative answer to Interrogatory Nos. 7 or 8, provide the following information related to each refusal or diversion of delivery:

- a. the date, time, and location on your property of any delivery attempt,
- b. the date, time, and location on your property of any delivery made,
- c. the name of the dog involved,
- d. a description of the reason provided for the refusal or diversion, and
- e. the outcome of the refusal or diversion, including the location (on or off your property) at which the item was delivered or made available to you.

INTERROGATORY NO. 10:

State if any provider other than the Postal Service (including Amazon, FedEx, food or grocery delivery services, or UPS) has delivered an item on your property from February 15, 2020 to today. If so, provide the following information: the date and time of delivery, the name of the provider, and the location on your property where the item was delivered.

By the Presiding Officer.

Lauren A. D'Agostino

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Randall Ehrlich

Docket No. C2020-1

THE PRESIDING OFFICER'S
FIRST SET OF INTERROGATORIES TO THE POSTAL SERVICE

(Issued April 16, 2020)

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3. Should you claim a privilege or have another objection with respect to any document, communication, or item about which information is sought, describe such document, communication, or item in detail sufficient to provide justification for the claim or other objection. Each claim of privilege must specify in detail all grounds upon which it rests. No part of an interrogatory shall be left unanswered simply because an objection is interposed to another part of the interrogatory.
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2. "And" as well as "or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of each interrogatory all responses that might otherwise be construed to be outside their scope.
3. "Communication" means any transmittal of information, in written, oral, electronic, digital, or any other form.
4. "Complaint" means the Complaint of Randall Ehrlich, filed with the Commission on December 23, 2019.
5. "Complainant" means Randall Ehrlich.
6. "Complainant's property" means 5833 7th Avenue, N.W., Seattle, Washington, 98107.
7. "Control" with respect to a document is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34.
8. "Document" means any written, recorded, computer-stored, computer-generated, or graphic material however stored, produced or reproduced. The term is to be construed to the full extent of the definition in Federal Rule of Civil Procedure 34. Any document that is not exactly identical to another document for any reason, including but not limited to marginal notations or deletions, is a separate document.
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(e.g., letter, memorandum, agreement, invoice), its location, and custodian; and (iii) a detailed description of its contents or principal terms and provisions.

b. With respect to a communication: (i) the time, date and place of the communication; (ii) all maker(s) and recipient(s) of the communication; (iii) the mode of communication; (iv) the subject matter of the communication; and (v) any document generated in connection with the communication.

c. With respect to a person: (i) the person's full name; (ii) the person's employer, job title, and a brief description of the person's current duties and duties at the time relevant to the data request; and (iii) the person's business address.

11. "Including" shall be construed to mean including, but not limited to.

12. "Postal Service," "you," or "your" means the United States Postal Service, including Headquarters and any subordinate department, division, or office, whether at the national, area, district, or local level. This definition includes the officers, directors, contractors, agents, and employees of the United States Postal Service.

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III. INTERROGATORIES

INTERROGATORY NO. 1:

Identify all persons answering or supplying information used in answering these interrogatories.

INTERROGATORY NO. 2:

If you contend that the Complainant has made admissions of fact or statements of interest relating in any way to this action, describe the admissions in detail and identify the dates of the admissions, the persons to whom the admissions were made, and all documents pertaining to the admissions.

INTERROGATORY NO. 3:

State if you contend that any dogs remain at the Complainant's property today that are aggressive or pose a threat to the safety of the letter carrier and, if so, state the basis for your contention.

INTERROGATORY NO. 4:

From July 1, 2015 to and including today, describe in detail the nature and extent of all applicable restrictions or limitations placed on delivery to the Complainant's property and mail addressed to the Complainant (such as whether delivery was to be suspended or discontinued on the Complainant's property and, if so, whether the mail was to be held for pickup at a particular location for a particular period of time or returned to sender). For each restriction or limitation, include the dates of the restriction or limitation and the reason for such restriction or limitation.

INTERROGATORY NO. 5:

Identify all persons that had input into each Postal Service decision to restrict or limit delivery to the Complainant's property. For each person identified, state concisely the facts each person is aware of, when and how the facts were obtained, and identify any document evidencing the person's knowledge relating to each decision to restrict or limit delivery to the Complainant's property.

INTERROGATORY NO. 6:

Your answer to this interrogatory shall be limited to customers or locations served by the Ballard Carrier Annex, Ballard Station, or Ballard Post Office for any period of time between July 1, 2015 to and including today. Identify each person that has decision-making authority for the Postal Service to impose, continue, and end restrictions or limitations on delivery to a customer or location related to any actual or perceived incident of dog aggression or interference. For each person identified, specify the time period for which such authority is held.

INTERROGATORY NO. 7:

Your answer to this interrogatory shall be limited to customers or locations served by the Ballard Carrier Annex, Ballard Station, or Ballard Post Office for which mail delivery was suspended or discontinued related to any actual or perceived incident

of dog aggression or interference, for any period of time between July 1, 2015 to and including today. List all such customers and corresponding locations for which delivery has resumed based on a finding of no threat of dog aggression or interference.

INTERROGATORY NO. 8:

For each customer and corresponding location identified in your answer to Interrogatory No. 7, describe in detail the process for how delivery resumed, including whether a dog remained at the location (and if so, specify whether the dog was determined to be non-aggressive or adequately controlled), whether the mailbox was moved to a different place or position (and if so, specify where the mailbox was moved to and from), and the findings of any investigation by the Postal Service.

INTERROGATORY NO. 9:

Describe in detail the facts relating to all investigations conducted by the Postal Service relating to the presence of an aggressive dog on Complainant's property.

INTERROGATORY NO. 10:

Identify all persons that are known to you that have knowledge of any facts relating to all investigations conducted by the Postal Service relating to the presence of an aggressive dog on Complainant's property. For each person identified, state concisely the facts each person is aware of, when and how the facts were obtained, and identify any document evidencing the person's knowledge relating to all investigations conducted by the Postal Service relating to the presence of an aggressive dog on Complainant's property.

By the Presiding Officer.

Lauren A. D'Agostino